

1 **Proposed Changes to Title 14 CCR California Forest Practice Rules**

2 **CLFA Streamlining, 2006**

3 **Version 11_30_05**

4
5 **Amend 916.5(e), 936.5(e), 956.5(e) Procedure for Determining**
6 **Watercourse and Lake Protection Zone (WLPZ) Widths and Protective**
7 **Measures [All Districts]**

8 **(e)** The letter designations shown in the "Protective Measures and
9 Widths" column in Table I correspond to the following:

10 **"A" WLPZ** shall be clearly identified on the ground by the RPF who
11 prepared the plan, or supervised designee, with paint, flagging, or
12 other suitable means prior to the preharvest inspection. For non-
13 industrial timber management plans, sample identification of the WLPZ
14 prior to the preharvest inspection may be allowed. The sample shall
15 be based upon a field examination and be consistent with the
16 applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5
17 [936.5, 956.5], representing the range of conditions found within the
18 WLPZ. The Director shall determine if the sample identification is
19 adequate for plan evaluation during the preharvest inspection. If
20 sample identification is allowed, the remaining WLPZ shall be
21 identified by an RPF, or supervised designee, prior to the start of
22 timber operations within or adjacent to the WLPZ. The Department
23 shall be notified when the WLPZ has been identified and may review the
24 WLPZ identification prior to the start of timber operations to
25 determine whether it is consistent with the sample marking and the
 rules of the Board.

1 **"B"** WLPZ shall be clearly identified on the ground by an RPF, or
2 supervised designee, with paint, flagging, or other suitable means,
3 prior to the start of timber operations. ~~In planning watersheds~~
4 ~~determined to contain coho salmon, chinook salmon, or steelhead, on~~
5 ~~the ground identification of the WLPZ must be completed prior to the~~
6 ~~preharvest inspection.]~~ In watersheds with threatened or impaired
7 values on the ground identification of the WLPZ shall be completed
8 prior to the preharvest inspection. For all non-industrial timber
9 management plans, sample identification of the WLPZ prior to the
10 preharvest inspection may be allowed. The sample shall be based upon
11 a field examination and be consistent with the applicable provisions
12 of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5],
13 representing the range of conditions found within the WLPZ. The
14 Director shall determine if the sample identification is adequate for
15 plan evaluation during the preharvest inspection. If sample
16 identification is allowed, the remaining WLPZ shall be identified by
17 an RPF, or supervised designee, prior to the start of timber
18 operations within or adjacent to the WLPZ. The Department shall be
19 notified when the WLPZ has been identified and may review the WLPZ
20 identification prior to the start of timber operations to determine
21 whether it is consistent with the sample marking and the rules of the
22 Board.

23 **"C"** In site-specific cases, the RPF may provide in the plan, or
24 the Director may require, that the WLPZ be clearly identified on the
25 ground with flagging or by other suitable means prior to the start of
timber operations.

1 **"D"** To ensure retention of shade canopy filter strip properties
2 of the WLPZ and the maintenance of a multi-storied stand for
3 protection of values described in 14 CCR 916.4(b) [936.4(b),
4 956.4(b)], ~~a base mark below the cutline of residual or harvest trees~~
5 ~~within the zone shall be done in advance of the preharvest inspection~~
6 ~~by the RPF or supervised designee. [Except in planning watersheds~~
7 ~~determined to contain coho salmon, chinook salmon, or steelhead,~~
8 ~~sample marking is satisfactory in those cases where the Director~~
9 ~~determines it is adequate for the plan evaluation. When sample~~
10 ~~marking has been used, all marking shall be done in advance of falling~~
11 ~~operations within the WLPZ.]~~ residual or harvest trees shall be
12 marked, including a base mark below the cut line, within the WLPZ.
13 Outside of watersheds with threatened or impaired values, sample
14 marking prior to the preharvest inspection is satisfactory in those
15 cases where the Director determines it is adequate for plan
16 evaluation. When sample marking has been used, all marking shall be
17 done in advance of falling operations in the WLPZ. In watersheds with
18 threatened or impaired values, trees shall be marked in advance of the
19 preharvest inspection by the RPF, or supervised designee. For all
20 non-industrial timber management plans, sample marking of the WLPZ
21 prior to the preharvest inspection may be allowed. The sample shall
22 be based upon a field examination and shall be consistent with the
23 applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5
24 [936.5, 956.5], representing the range of conditions found within the
25 WLPZ. The Director shall determine if the sample mark is adequate for
plan evaluation during the preharvest inspection. If sample marking

1 is allowed, the remaining WLPZ shall be marked by an RPF, or
2 supervised designee, prior to the start of timber operations within or
3 adjacent to the WLPZ. The Department shall be notified when the WLPZ
4 has been marked and may review the WLPZ identification prior to the
5 start of timber operations to determine whether it is consistent with
6 the sample marking and the rules of the Board.

7 **"E"** To ensure retention of shade canopy filter strip properties
8 of the WLPZ and the maintenance of wildlife-a multi-storied stand for
9 protection of values described in 14 CCR 916.4(b) [936.4(b),
10 956.4(b)], a base mark shall be placed below the cutline of the
11 residual or harvest trees within the zone and shall be done in advance
12 of timber falling operations by the RPF or supervised designee. [In
13 planning watersheds determined to contain coho salmon, chinook salmon,
14 or steelhead, tree marking must be completed prior to the preharvest
15 inspection. Sample marking is satisfactory in those cases where the
16 Director determines it is adequate for the plan evaluation. When
17 sample marking has been used, all marking shall be done in advance of
18 falling operations.] residual or harvest trees shall be marked,
19 including a base mark below the cut line, within the WLPZ. Outside of
20 watersheds with threatened or impaired values, tree marking shall be
21 done prior to timber falling operations. In watersheds with
22 threatened or impaired values, trees shall be marked in advance of the
23 preharvest inspection by the RPF, or supervised designee. For all
24 non-industrial timber management plans, sample marking of the WLPZ
25 prior to the preharvest inspection may be allowed. The sample shall
be based upon a field examination and shall be consistent with the

1 applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5
2 [936.5, 956.5], representing the range of conditions found within the
3 WLPZ. The Director shall determine if the sample mark is adequate for
4 plan evaluation during the preharvest inspection. If sample marking
5 is allowed, the remaining WLPZ shall be marked by an RPF, or
6 supervised designee, prior to the start of timber operations within or
7 adjacent to the WLPZ. The Department shall be notified when the WLPZ
8 has been marked and may review the WLPZ identification prior to the
9 start of timber operations to determine whether it is consistent with
10 the sample marking and the rules of the Board.

11 **"F"** Residual or harvest tree marking within the WLPZ may be
12 stipulated in the THP by the RPF or required by the Director in site-
13 specific cases to ensure retention of filter strip properties or to
14 maintain soil stability of the zone. The RPF shall state in the THP
15 if marking was used in these zones.

16 **"G"** To protect water temperature, filter strip properties,
17 upslope stability, and fish and wildlife values, at least 50% of the
18 overstory and 50% of the understory canopy covering the ground and
19 adjacent waters shall be left in a well distributed multi-storied
20 stand composed of a diversity of species similar to that found before
21 the start of operations. The residual overstory canopy shall be
22 composed of at least 25% of the existing overstory conifers. Species
23 composition may be adjusted consistent with the above standard to meet
24 on-site conditions when agreed to in the THP by the RPF and the
25 Director.

"H" At least 50% of the understory vegetation present before

1 timber operations shall be left living and well distributed within the
2 WLPZ to maintain soil stability. This percentage may be adjusted to
3 meet on-site conditions when agreed to in the THP by the RPF and the
4 Director. Unless required by the Director, this shall not be construed
5 to prohibit broadcast burning with a project type burning permit for
6 site preparation.

7 "I" To protect water temperature, filter strip properties,
8 upslope stability, and fish and wildlife values, at least 50% of the
9 total canopy covering the ground shall be left in a well distributed
10 multi-storied stand configuration composed of a diversity of species
11 similar to that found before the start of operations. The residual
12 overstory canopy shall be composed of at least 25% of the existing
13 overstory conifers. Due to variability in Class II watercourses these
14 percentages and species composition may be adjusted to meet on-site
15 conditions when agreed to by the RPF and the Director in the THP.

16
17 **Amend 916.9 (e)-(g) and (s)-(z), 936.9(e)-(g) (s)-(z), 956.9(e)-(g)**
18 **(s)-(z) Protection and Restoration in Watersheds with Threatened or**
19 **Impaired Values [All Districts]**

- 20 (e) Channel zone requirements
21 (1) There shall be no timber operations within the channel
22 zone with the following exceptions:
23 (A) timber harvesting that is directed to improve
24 salmonid habitat through the limited use of the selection or
25 commercial thinning silvicultural methods with review and comment by
26 DFG.
27 (B) timber harvesting necessary for the construction
28 or reconstruction of approved watercourse crossings.
29 (C) timber harvesting necessary for the protection of
30 public health and safety.

1 (D) to allow for full suspension cable yarding when
2 necessary to transport logs through the channel zone.

3 (E) Class III watercourses where exclusion of timber
4 operations is not needed for protection of listed salmonids.

5 (2) In all instances where trees are proposed to be felled
6 within the channel zone, a base mark shall be placed below the cut
7 line of the harvest trees within the zone. Such marking shall be
8 completed by the RPF that prepared the plan prior to the preharvest
9 inspection.

10 **OPTION 5: (f) Subsections (f)(1) through (f)(5) apply to those**
11 **watercourse reaches where anadromous salmonids are always or**
12 **seasonally present and to those watercourse reaches where anadromy is**
13 **limited, but can be feasibly restored as identified by a DFG biologist**
14 **or as further identified and refined during preparation and review of**
15 **the plan.**

16 ~~(f)~~(1) The minimum WLPZ width for Class I waters shall be
17 150 feet from the watercourse or lake transition line. Where a
18 proposed THP is located within the Sacramento or San Joaquin river
19 drainages, and the Director and DFG concur; the RPF may explain and
20 justify other WLPZ widths on areas where even aged regeneration
21 methods, seed tree removal, shelterwood removal, alternative
22 prescriptions, or rehabilitation will not be utilized adjacent to
23 watercourse and lake protection zones and where slopes are less than
24 30%.

25 ~~(g)~~(2) Within a WLPZ for Class I waters, at least 85
percent overstory canopy shall be retained within 75 feet of the
watercourse or lake transition line, and at least 65 percent overstory
canopy within the remainder of the WLPZ. The overstory canopy must be
composed of at least 25% overstory conifer canopy post-harvest. Where
a proposed THP is located within the Sacramento or San Joaquin river

1 drainages, and the Director and DFG concur; the RPF may explain and
2 justify other canopy retention standards on areas where even aged
3 regeneration methods, seed tree removal, shelterwood removal,
4 alternative prescriptions, or rehabilitation will not be utilized
5 adjacent to watercourse and lake protection zones and where slopes are
6 less than 30%.

7 Harvesting of hardwoods shall only occur for the purpose of
8 enabling conifer regeneration.

9
10 ~~(h)~~(3) For Class I waters, any plan involving timber
11 operations within the WLPZ shall contain the following information:

12 ~~(1)~~(A) A clear and enforceable specification of how
13 any disturbance or log or tree cutting and removal within the Class I
14 WLPZ shall be carried out to conform with 14 CCR 916.2 [936.2,
15 956.2](a) and 916.9 [936.9, 956.9](a).

16 ~~(2)~~(B) A description of all existing permanent
17 crossings of Class I waters by logging roads and clear specification
18 regarding how these crossings are to be modified, used, and treated to
19 minimize risks, giving special attention to allowing fish to pass both
20 upstream and downstream during all life stages.

21 ~~(3)~~(C) Clear and enforceable specifications for
22 construction and operation of any new crossing of Class I waters to
23 prevent direct harm, habitat degradation, water velocity increase,
24 hindrance of fish passage, or other potential impairment of beneficial
25 uses of water.

1 ~~(i)~~(4) Recruitment of large woody debris for aquatic
2 habitat in Class I anadromous fish-bearing or restorable waters shall
3 be ensured by retaining the ten largest dbh conifers (live or dead)
4 per 330 feet of stream channel length that are the most conducive to
5 recruitment to provide for the beneficial functions of riparian zones.
6 The retained conifers shall be selected from within the THP area that
7 lies within 50 feet of the watercourse transition line. Where the THP
8 boundary is an ownership boundary, a class I watercourse, and the
9 WLPZ on both sides of the watercourse currently meets the stocking
10 standards listed under 14 CCR 912.7[932.7,952.7](b)(2)}; the five (5)
11 largest dbh conifers (live or dead) per 330 feet of stream channel
12 length that are the most conducive to recruitment to provide for the
13 beneficial functions of riparian zones within the THP area shall be
14 retained within 50 feet of the watercourse transition line.

15 The RPF may propose alternatives to substitute smaller diameter
16 trees, trees that are more than 50 feet from the watercourse
17 transition line, or other alternatives on a site specific basis. The
18 RPF must explain and justify in the THP why the proposed alternative
19 is more conducive to current and long-term Large Woody Debris
20 recruitment, shading, bank stability, and the beneficial functions of
21 riparian zones.

22 ~~(j)~~(5) Where an inner gorge extends beyond a Class I WLPZ
23 and slopes are greater than 55%, a special management zone shall be
24 established where the use of evenaged regeneration methods is
25 prohibited. This zone shall extend upslope to the first major break-
in-slope to less than 55% for a distance of 100 feet or more, or 300

1 feet as measured from the watercourse or lake transition line, which
2 ever is less. All operations on slopes exceeding 65% within an inner
3 gorge of a Class I or II watercourse shall be reviewed by a Registered
4 Geologist prior to plan approval, regardless of whether they are
5 proposed within a WLPZ or outside of a WLPZ.

6 ~~(k)~~(g) From October 15 to May 1, the following shall apply: (1)
7 no timber operations shall take place unless the approved plan
8 incorporates a complete winter period operating plan pursuant to 14
9 CCR 914.7(a) [934.7(a), 954.7(a)], (2) unless the winter period
10 operating plan proposes operations during an extended period with low
11 antecedent soil wetness, no tractor roads shall be constructed,
12 reconstructed, or used on slopes that are over 40 percent and within
13 200 feet of a Class I, II, or III watercourse, as measured from the
14 watercourse or lake transition line, and (3) operation of trucks and
15 heavy equipment on roads and landings shall be limited to those with a
16 stable operating surface.

17 . . . **Note: if adopting Option 5 all lettering below (g) in 916.9**
18 **would be also changed**

19 **(s)** No timber operations are allowed in a WLPZ, or within any
20 ELZ or EEZ designated for watercourse or lake protection, under
21 ~~emergency notices or exemption notices except for:~~

22 .
23 **(t)** No timber operations are allowed in a WLPZ, or within any
24 ELZ or EEZ designated for watercourse or lake protection, under
25 emergency notices except for:

1 (1) hauling on existing roads,
2 (2) road maintenance,
3 (3) operations conducted for public safety,
4 (4) construction or reconstruction of approved watercourse
5 crossings,
6 (5) temporary crossings of dry Class III watercourses which do
7 not require a "Streambed Alteration Agreement" under the Fish and Game
8 Code,
9 (6) forest conditions requiring harvesting that is approved by a
10 letter of concurrence from DFG or
11 (7) the harvest of dead, dying, or diseased conifer trees subject
12 to the following conditions:
13 (A) The provisions of 14 CCR 1052(b) apply, including, but
14 not limited to, large woody debris retention requirements within 14
15 CCR 916[936, 956].9(i), 14 CCR 916[936, 956].3(g), as well as channel
16 zone standards within 14 CCR 916[936, 956].9(e).
17 (B) Within any WLPZ, ELZ, or EEZ designated for Class III
18 watercourse protection, a minimum of two dead, dying, or diseased
19 conifer trees per acre at least 16 inches diameter breast high and 50
20 feet tall shall be retained within 50 feet of the watercourse
21 transition line.
22 (C) Trees to be harvested or retained shall be marked by, or
23 under the supervision of, an RPF prior to timber operations within the
24 WLPZ or ELZ/EEZ.
25 (D) Within the WLPZ or ELZ/EEZ, if the stocking standards of
14 CCR 912[932, 952].7 are not met upon completion of timber

1 operations, unless the area meets the definition of substantially
2 damaged timberlands, at least ten trees shall be planted for each tree
3 harvested but need not exceed an average point count of 300 per acre
4 (741.3 per ha).

5 ~~(u)(t)~~ No salvage logging is allowed in a WLPZ without an
6 approved HCP, an SYP, or an approved plan that contains a section that
7 sets forth objectives, goals, and measurable results for streamside
8 salvage operations.

9 ~~(v)(u)~~ Nonstandard practices (i.e., waivers, exceptions, in-lieu
10 practices, and alternative practices) shall comply with the goal set
11 forth in subsection (a) above as well as with the other requirements
12 set forth in the rules.

13 ~~(w)(v)~~ The Director may approve alternatives provided the
14 alternative practice will achieve the goal of this section. The
15 Director shall not accept for inclusion in a plan any alternative
16 practice as described in this section where two or more agencies
17 listed in 4582.6 of the PRC and 14 CCR 1037.3 have submitted written
18 comments which lead to the Director's conclusion that the proposed
19 alternative will not meet the goal of this section and the agency(ies)
20 participated in the review of the plan, including an on-the-ground
21 inspection.

22 ~~(x)(w)~~ Other measures that would effectively achieve the goal set
23 forth in 14 CCR 916.9(a) [936.9(a), 956.9(a)] may be approved in
24 accordance with 14 CCR 916.6 [936.6, 956.6].
25

1 **OPTION 1: (y)(*)**—The provisions of 14 CCR 916.9 [936.9, 956.9] shall
2 not apply to a plan that is subject to an incidental take permit based
3 upon an approved Habitat Conservation Plan that addresses anadromous
4 salmonid protection. Consistent with the goals outlined in 14 CCR
5 916[936, 956].9(a), where DFG has participated in the proposed plan
6 review, the protection measures outlined in subsections (f), (g), (h),
7 (i), and (j) above only apply to those Class I watercourse reaches
8 where populations of anadromous salmonids that are listed as
9 threatened, endangered, or candidate under the State or Federal
10 Endangered Species Acts with their implementing regulations are
11 currently present or can be restored as identified by DFG or as
12 further identified and refined during preparation and review of the
13 plan.

14
15 **OPTION 2: (y)(*)**—The provisions of 14 CCR 916.9 [936.9, 956.9] shall
16 not apply to a plan that is subject to an incidental take permit based
17 upon an approved Habitat Conservation Plan that addresses anadromous
18 salmonid protection.

19 (z) The protection measures outlined in subsections (f), (g),
20 (h), (i), and (j) only apply to:

21 (i) those watercourse reaches where anadromous salmonids are
22 always or seasonally present, and to

23 (ii) those watercourse reaches where anadromy is limited, but
24 can be restored as identified by DFG biologist or as further
25 identified and refined during preparation and review of the plan.

1 **OPTION 3: (v)(*)**—The provisions of 14 CCR 916.9 [936.9, 956.9] shall
2 not apply to a plan that is subject to an incidental take permit based
3 upon an approved Habitat Conservation Plan that addresses anadromous
4 salmonid protection.

5 (z) The protection measures outlined in subsections (f), (g),
6 (h), (i), and (j) only apply to:

7 (i) those watercourse reaches where anadromous salmonids are
8 always or seasonally present, and to

9 (ii) those watercourse reaches where anadromy is limited , but
10 can be restored as identified by DFG biologist or as further
11 identified and refined during preparation and review of the plan.

12 (1) In the event that written comments received from an
13 agency listed in PRC 4582.6 and 14 CCR 1037.3, and which participated
14 in review of the plan, lead to the conclusion that the application of
15 one or more of these subsections is necessary to conform with 14 CCR
16 916.2[936.2, 956.2] (a) and 916.9[936.9, 956.9] (a), the Director
17 shall require that the protection measure(s) be made part of the plan.

18
19 **OPTION 4: (v)** The Director may waive the provisions of 14 CCR §§
20 916.9 [936.9, 956.9] (f), (g), (h), (i), and (j) for the Class I
21 waters which are within a watershed with threatened or impaired values
22 but which lie outside the range of anadromy. The Director may
23 authorize this waiver only after consultation with DFG and the
24 Regional Water Quality Control Board to ascertain that the waiver
25 doesnot threaten to cause a violation of any applicable legal

requirements that these agencies are mandated or authorized to
promulgate or enforce.

~~(aa)-(y)~~—This section shall expire on December 31, 2007.

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